

PROCEEDINGS AGAINST ARTHUR McPHAUL

JUNE 30, 1952.—Ordered to be printed

Mr. WOOD of Georgia, from the Committee on Un-American Activities,
submitted the following

REPORT

CITING ARTHUR McPHAUL

The Committee on Un-American Activities as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the Seventy-ninth Congress, and under House Resolution No. 7, of the Eighty-second Congress, caused to be issued a subpoena to Arthur McPhaul. Said subpoena required the said Arthur McPhaul to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly authorized subcommittee thereof, at room 737, Federal Building, Detroit, Mich., on Tuesday, February 26, 1952, at the hour of 10 a. m., to produce all records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, and then and there to testify to matters of inquiry committed to the said committee and not to depart without leave of said committee. The subpoena served upon Arthur McPhaul is set forth in words and figures as follows:

By authority of the House of Representatives of the Congress of the United States of America, to United States Marshal: You are hereby commanded to summon Arthur McPhaul, 252 East Palmer, Detroit, Mich., to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof of the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, together with all records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, in room 737 Federal Building, Detroit, Mich., Tuesday, February 26, 1952, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of February, 1952.

JOHN S. WOOD, *Chairman.*

Attest:
[SEAL]

RALPH R. ROBERTS,
Clerk, United States House of Representatives.

The said subpoena was duly served as appears by the return made thereon by Joseph L. Wisniewski, United States marshal, by Sam O'Connell, deputy. The return of the service by the said Sam O'Connell, endorsed thereon, is set forth as follows:

Subpena for Arthur McPhaul before the committee on the 26th day of February 1952; served Arthur McPhaul at Detroit, Mich., on the 18th day February 1952,

JOSEPH L. WISNIEWSKI,
United States Marshal.

By SAM O'CONNELL, *Deputy.*

In compliance with the said subpoena, Arthur McPhaul appeared before a subcommittee of the said committee and the said subcommittee then and there demanded the production of said records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, and the said Arthur McPhaul refused to produce the said records and documents and refused to answer all questions relating thereto. The said Arthur McPhaul having appeared as a witness and having been asked questions namely:

Mr. McPhaul, the committee has heretofore served upon you a subpoena duces tecum to produce certain records and documents. Are you prepared to respond to that subpoena?

Are you prepared to produce the documents and papers that have been called upon for you to produce under the subpoena?

The question is as to whether or not you are refusing to produce the records directed to be produced under the subpoena.

My question to you was not answered by that statement, in my judgment. My question was whether or not you are refusing to produce the records which you were directed to produce under this subpoena.

I have asked you to produce the records. Now, will you produce them?

What type of work do you engage in?

How were you employed in 1942?

How were you employed between 1945 and 1950?

Are you acquainted with a person by the name of Richard F. O'Hair?

Were you at any time a member of the Midtown Club of the Communist Party?

Were you at any time a member of the Ford unit, or any unit within Ford; that is, any unit of the Communist Party?

Did you hear him [Walter Scott Dunn] testify in regard to you in any particular?

Are you a member of the Civil Rights Congress?

Do you know whether he [William Patterson] is an official of the Civil Rights Congress?

What position does Mr. William Patterson hold in the Civil Rights Congress, if you know?

Are you acquainted with Mary Bray?

Were you acquainted with Jack Raskin?

To your knowledge, did he [Jack Raskin] ever hold a position with the Civil Rights Congress?

Are you now a member of the Communist Party?

which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of the said Arthur McPhaul's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpoena served upon the said Arthur McPhaul.

The record of the proceedings before the said subcommittee on February 27, 1952, during which the said Arthur McPhaul refused to produce the aforesaid records and documents pertinent to the

subject under inquiry, and refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth as follows:

(A subcommittee of the Committee on Un-American Activities, consisting of Representatives John S. Wood, chairman, and Morgan M. Moulder, Donald L. Jackson, and Charles E. Potter (Morgan M. Moulder being absent) met in room 737, Federal Building, Detroit, Mich., on Wednesday, February 27, 1952, and hearings were conducted by the said subcommittee during that day, the last witness appearing before said subcommittee on said day being Arthur McPhaul.)

Mr. WOOD. Will you call your next witness, Mr. Counsel?

Mr. TAVENNER. I will call Arthur McPhaul.

TESTIMONY OF ARTHUR MCPHAUL, ACCOMPANIED BY HIS COUNSEL, GEORGE W. CROCKETT, JR.

Mr. WOOD. Mr. McPhaul, the committee has heretofore served upon you a subpoena duces tecum to produce certain records and documents. Are you prepared to respond to that subpoena?

Mr. CROCKETT. May I suggest that the photographers be instructed to cease taking pictures, Mr. Chairman?

Mr. WOOD. Does Mr. McPhaul object to the pictures? Is that your request?

Mr. MCPHAUL. That is right.

Mr. WOOD. I will ask the photographers then to desist from taking further pictures. Will you answer my question, Mr. McPhaul? Are you prepared to produce the documents and papers that have been called upon for you to produce under the subpoena?

Mr. MCPHAUL. Mr. Wood, I refuse to answer this or any question which deals with the possession or custody of the books and records called for in the subpoena. I claim my privilege under the fifth amendment of the Constitution.

Mr. WOOD. In view of that answer, Mr. Counsel, do you desire to proceed with the examination of this witness at this time?

Mr. TAVENNER. I would like to ask the witness if he has any other reason for refusing to produce the documents called for in the subpoena.

Mr. MCPHAUL. I think my answer covers it.

Mr. TAVENNER. I would like to read the subpoena into the record, at least part of it, and introduce it. The subpoena calls for "the appearance before the Committee on Un-American Activities or a duly authorized subcommittee thereof, from the House of Representatives of the United States, of which the Honorable John S. Wood is chairman, together with all records, correspondence, memoranda, pertaining to the organization of, the affiliation with other organizations and all moneys received or expended by the Civil Rights Congress, Room 737, Federal Building, Detroit, Mich., Tuesday, February 26, 1952."

I desire to offer the subpoena in evidence and ask that it be marked "McPhaul Exhibit No. 1."

Mr. WOOD. It will be so marked and received.

(The document referred to was marked "McPhaul Exhibit No. 1" and received in evidence.)

Mr. WOOD. In order to complete the record, Mr. McPhaul, is it in response to this subpoena that has just been read that you now decline, for the reasons you have stated, to produce the documents and books and records therein called for?

Mr. MCPHAUL. I have stated the reasons, for the record.

Mr. WOOD. Is it in response to this subpoena that you refuse to answer?

Mr. MCPHAUL. That is my answer that I have just given.

Mr. WOOD. To this subpoena?

Mr. MCPHAUL. To that subpoena; yes.

Mr. WOOD. Now, the question I will ask counsel is, it is now 4:30. Do you desire to proceed with the examination of this witness at this time? If so, I will administer the oath to him.

Mr. TAVENNER. Yes; let us proceed.

Mr. WOOD. Will you please stand and be sworn. Do you solemnly swear that the evidence that you give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MCPHAUL. I do.

Mr. WOOD. Are you represented by counsel?

Mr. MCPHAUL. I am.

Mr. WOOD. Will you identify yourself for the record, Counsel?

Mr. CROCKETT. My name is George W. Crockett, Jr., of the Michigan bar and the United States Supreme Court bar. My office is located in the Cadillac Tower Building in the city of Detroit.

Mr. MCPHAUL. I have just handed each member of the committee a copy of a prepared statement. I also included a petition, We Charge Genocide, a crime of the Government against Negro people. That was presented to the United Nations a few weeks ago.

Mr. WOOD. The committee has it in hand and it will be given due consideration. Just confine yourselves here to the answering of the questions asked you and we will get along.

Mr. MCPHAUL. I just wanted to help by pointing out, if you will permit me to read certain things—

Mr. WOOD. If we desire that sort of assistance, we will call on you for it.

Mr. TAVENNER. Will you state your full name, please?

Mr. MCPHAUL. Arthur McPhaul.

Mr. TAVENNER. Where were you born, Mr. McPhaul?

Mr. MCPHAUL. There is some question about where I was born. You being from Virginia, sir, you know, no doubt, in most of the Southern States—

Mr. WOOD. Will you just answer the question?

Mr. MCPHAUL. They just don't bother to make birth certificates.

Mr. TAVENNER. No; I didn't have one myself.

Mr. WOOD. Just give us your best understanding about it, if you do not know definitely. Can you approximate it? I did not have one, but I finally went back to the old family Bible and dug up one.

Mr. TAVENNER. I asked a question of one witness on an occasion of where she was born and she started back at Jamestown. I really only want to know for the purpose of the record what your age is.

Mr. MCPHAUL. I think I was born in Oklahoma.

Mr. TAVENNER. When?

Mr. MCPHAUL. 1909.

Mr. TAVENNER. Mr. McPhaul, you were served with a subpoena by Mr. Sam O'Connell, deputy United States marshal, to appear before the committee on the 26th day of February 1952 and produce the records, correspondence, and memoranda pertaining to the organization of and affiliation with other organizations and all moneys received and expended by the Civil Rights Congress, were you not?

Mr. MCPHAUL. Yes; I was served with a subpoena.

Mr. TAVENNER. Do I understand that you refuse to produce any of the records directed to be produced under the subpoena?

Mr. MCPHAUL. I have answered that, Mr. Counsel.

Mr. WOOD. You did not answer it under oath, and I think perhaps you will agree with me that it would be proper to do so under oath if you are asked.

Mr. MCPHAUL. I will repeat the answer that I gave at the beginning.

Mr. WOOD. Will that answer stand as your answer to the question just asked you?

Mr. MCPHAUL. Will you repeat the question?

Mr. TAVENNER. The question is as to whether or not you are refusing to produce the records directed to be produced under the subpoena?

Mr. MCPHAUL. My answer to that is, I refuse to answer this or any questions which deal with the possession or custody of the books and records called for in this subpoena. I claim my privileges under the fifth amendment of the United States Constitution.

Mr. TAVENNER. My question to you was not answered by that statement, in my judgment. My question was whether or not you are refusing to produce the records which you were directed to produce under this subpoena?

Mr. MCPHAUL. I have answered it in this statement.

Mr. TAVENNER. No, sir. You have stated that you refuse to answer any questions pertaining to them. I have not asked you a question that pertains to them. I have asked you to produce the records. Now, will you produce them?

Mr. MCPHAUL. I will not. While he is conferencing, I wonder if the Kluxers of Georgia have ever been asked to produce their records.

Mr. WOOD. If it was pertinent to this inquiry, I could answer that question for you, sir, that they have been requested to do so and have done so.

Mr. MCPHAUL. I would like to see the records, Mr. Chairman, of some of the proceedings from such an inquiry into the Ku Klux Klan of Georgia, especially.

Mr. WOOD. You are perfectly at liberty, sir, to come to the committee offices and view them. I will say for the benefit of the witness, that in view of certain published statements that have been made in this city, which are intended, I be-

lieve, to reflect upon me, that I happen to be the first American official who ever prosecuted a Ku Klux Klansman in Georgia and convicted him and sentenced him to prison for outrages committed on people of both colors in my State.

Mr. McPHAUL. You did convict some for lynching.

Mr. WOOD. I convicted some for outrages and for assault with intent to murder, in the courts of my State. Perhaps that might alleviate some of the feeling of some of the people because of the fact I come from the deep South.

Mr. McPHAUL. Have you said anything against Governor Talmadge's outrageous statement against Negroes appearing on television?

Mr. WOOD. I have said many things against Governor Talmadge.

Mr. McPHAUL. I mean, for the record.

Mr. WOOD. I have not been called upon to say anything for the record. The Governor of Georgia is not an issue in this investigation.

Mr. McPHAUL. Lynching is always an issue as far as the Negro is concerned and I would like the record to show that I am a Negro.

Mr. WOOD. If you would find one instance where Mr. Talmadge is identified with a lynching party or any other party designed to deprive any man of his civil rights guaranteed under the Constitution, I am sure that the proper officials of the Government of the United States and the State of Georgia will take due cognizance of that.

Mr. McPHAUL. I just came back from Florida and they don't do it in Florida.

Mr. WOOD. Let us not argue the question. I simply wanted to make the observation that I did make because of statements that have been made in the past.

Mr. TAVENNER. Do you presently live in the city of Detroit?

Mr. McPHAUL. Yes.

Mr. TAVENNER. How long have you lived here?

Mr. McPHAUL. Approximately 30 years.

Mr. TAVENNER. What is your profession or employment?

Mr. McPHAUL. I am a worker.

Mr. TAVENNER. What type of work do you engage in?

Mr. McPHAUL. I am invoking my right under the fifth amendment and I refuse to answer the question.

Mr. TAVENNER. What has been your employment over a period of the past 10 years?

Mr. McPHAUL. What specific part of the 10 years do you want?

Mr. TAVENNER. Begin at the beginning and end with the end. How long did you say you lived here?

Mr. McPHAUL. Approximately 30 years.

Mr. TAVENNER. I do not want to go back 30 years. Will you go back 10 years to 1942?

Mr. McPHAUL. Invoking the privileges granted me under the fifth amendment of the Constitution, I refuse to answer the question.

Mr. TAVENNER. How were you employed in 1942?

Mr. McPHAUL. Invoking the privileges under the Constitution, I refuse to answer the question.

Mr. TAVENNER. How were you employed between 1945 and 1950?

Mr. McPHAUL. Invoking the privileges under the Constitution, I refuse to answer that question.

Mr. TAVENNER. In other words, you refuse to tell the committee anything regarding your background of employment?

Mr. McPHAUL. You can draw any conclusion you want. I have answered the question.

Mr. TAVENNER. Are you acquainted with a person by the name of Richard F. O'Hair?

Mr. McPHAUL. Invoking my privileges under the fifth amendment, I refuse to answer that question.

Mr. TAVENNER. Were you present during the course of his testimony on Monday of this week?

Mr. McPHAUL. Will you repeat the question?

Mr. TAVENNER. Were you present in this courtroom when Mr. O'Hair testified on Monday of this week?

Mr. McPHAUL. No; I was not.

Mr. TAVENNER. Mr. O'Hair identified you as a member of the Communist Party. Do you wish to deny or affirm that or explain it?

Mr. McPHAUL. Will you restate the question?

Mr. TAVENNER. Will you (addressing official court reporter) read the question? (The question was read by the official court reporter.)

Mr. McPHAUL. Invoking my rights under the Constitution, and the fifth amendment, I refuse to answer the question?

Mr. TAVENNER. Mr. O'Hair testified in this respect with regard to you. "Arthur McPhaul was a member of the Midtown Club of the Communist Party." Were you at any time a member of the Midtown Club of the Communist Party?

Mr. McPHAUL. Invoking my rights under the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Were you at any time a member of the Ford unit or any unit within Ford, that is any unit of the Communist Party?

Mr. McPHAUL. Invoking my rights under the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Were you in this room during the testimony on Tuesday, of Walter Scott Dunn?

Mr. McPHAUL. You asked if I was in this courtroom on Tuesday?

Mr. TAVENNER. No. Read the question (addressing official court reporter).

(The question was read by the official court reporter.)

Mr. McPHAUL. My subpoena required that—

Mr. Wood. Never mind what your subpoena required. You were asked whether you were here at the time he testified. That is a simple question. Can't you answer it?

Mr. McPHAUL. I was here in answer to the subpoena.

Mr. TAVENNER. Were you in this room while he testified?

Mr. McPHAUL. I was in the room part of the time that he testified.

Mr. TAVENNER. Did you hear him testify with regard to you in any particular?

Mr. McPHAUL. Under the privilege granted me under the fifth amendment, I refuse to answer that question.

Mr. TAVENNER. Let me advise you that Mr. Dunn testified and in his testimony he identified you as a person known to him to be a member of the Communist Party. Was he truthful in that statement or not?

Mr. McPHAUL. Invoking my right under the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Are you a member of the Civil Rights Congress?

Mr. McPHAUL. Invoking my rights under the Constitution and the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. It is the committee's information that Mr. William Patterson is the head of the Civil Rights Congress, or at least is a high official of the Civil Rights Congress. Have you discussed the matter of your testimony with Mr. William Patterson?

Mr. McPHAUL. Invoking my right under the fifth amendment, I refuse to answer the question. You asked me something—did you withdraw the question about Mr. Patterson being an official of the Civil Rights Congress?

Mr. TAVENNER. No. I asked you the question that according to our information, he was a leader or an official of the Civil Rights Congress. Do you know Mr. Patterson?

Mr. McPHAUL. Invoking my right under the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Do you know whether he is an official?

Mr. McPHAUL. According to the book, Genocide, he is editor of that petition. That also says it was published by the Civil Rights Congress.

Mr. TAVENNER. Now, will you answer the question, please?

Mr. McPHAUL. I have given the members of the committee a copy. I will give you one if you like.

Mr. TAVENNER. Will you answer the question? All I am asking is a very simple thing.

Mr. McPHAUL. What was the question?

Mr. Wood. Do you know him?

Mr. McPHAUL. I thought I answered. I thought that was an answer to that question.

Mr. Wood. The question is, Do you know Mr. Patterson, the man whose name was given to you?

Mr. McPHAUL. I answered that.

Mr. TAVENNER. Mr. William Patterson.

Mr. McPHAUL. I answered that question, the record will show it.

Mr. TAVENNER. Do you know whether he is an official of the Civil Rights Congress?

Mr. McPHAUL. Invoking my privileges under the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Do you know whether he has been here in Detroit advising with witnesses who have been subpoenaed to appear here?

Mr. McPHAUL. Invoking my rights under the fifth amendment to the Constitution, I refuse to answer the question. I take it for granted your investigators will know. If not, you are getting good cooperation from the FBI and they know.

Mr. TAVENNER. What position does Mr. William Patterson hold in the Civil Rights Congress, if you know?

Mr. McPHAUL. Invoking my rights under the privileges of the fifth amendment, I refuse to answer the question.

Mr. TAVENNER. Do you know whether or not Mr. Patterson was at one time one of the top-ranking officials of the International Labor Defense?

Mr. McPHAUL. Invoking my rights under the fifth amendment of the Constitution, I refuse to answer that question.

Mr. TAVENNER. Do you know whether at one time he was a director of the Abraham Lincoln School in Chicago?

Mr. McPHAUL. I refuse to answer the question for the same reason.

Mr. TAVENNER. Are you acquainted with Mary Bray? Miss Mary Bray?

Mr. McPHAUL. I refuse to answer the question for the same reason.

Mr. TAVENNER. Were you acquainted with Jack Raskin at any time?

Mr. McPHAUL. I refuse to answer that question for the same reason.

Mr. TAVENNER. To your knowledge, did he ever hold the position with the Civil Rights Congress?

Mr. McPHAUL. I refuse to answer the question for the same reason.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. McPHAUL. I refuse to answer that question invoking my rights under the fifth amendment to the Constitution. It is a trick question. If a person said yes, and then you would convict him; and if he said no, you put a stool pigeon on the stand and say he is, so you are damned if you do and damned if you are not.

Mr. TAVENNER. Let us see about that. It is a very simple and plain question as to whether or not you are a member of the Communist Party? It can be answered, as you say, either yes or no, but I fail to see where there is any trick in it. It is just as perfectly plain and normal a question as anyone could be asked.

Mr. McPHAUL. I know the record of this committee.

Mr. JACKSON. And we know the record of the Communist Party.

Mr. McPHAUL. I know your record, too, Mr. Jackson.

Mr. JACKSON. I hope you make the most of it.

Mr. WOOD. The question is, Will you answer the question?

Mr. McPHAUL. I answered it.

Mr. TAVENNER. From your attitude and disposition of these matters, I assume that you are not willing to answer any questions that this committee might ask you regarding the activities of the Communist Party in this locality, in the city of Detroit?

Mr. McPHAUL. Under the fifth amendment of the Constitution, I refuse to answer that question.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Does the committee have any questions?

Mr. JACKSON. No questions.

Mr. POTTER. No questions.

Mr. WOOD. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. McPHAUL. There are no Negroes living in Cheboygan, Mr. Potter.

Mr. POTTER. They are invited any time they want to come up.

Mr. McPHAUL. They cannot eat there.

Mr. POTTER. They certainly can.

Mr. WOOD. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. WOOD. The witness is excused.

(The witness was excused.)

Because of the refusal of the said Arthur McPhaul to produce the said records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, mentioned in the foregoing subpoena, the Committee on Un-American Activities has been deprived of the opportunity to inspect the same and of the evidence contained therein which your committee considers

relevant to the subject matter, which, under Public Law 601, section 121, subsection (q) (2) of the Seventh-ninth Congress and under House Resolution 7 of the Eighty-second Congress, the said committee was instructed to investigate; and because of the refusal of Arthur McPhaul to answer the foregoing questions, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said Arthur McPhaul relevant to the subject matter, which, under Public Law 601, section 121, subsection (q) (2) of the Seventh-ninth Congress, and under House Resolution No. 7, of the Eighty-second Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

Mr. McPhaul, the committee has heretofore served upon you a subpoena duces tecum to produce certain records and documents. Are you prepared to respond to that subpoena?

Are you prepared to produce the documents and papers that have been called upon for you to produce under the subpoena?

The question is as to whether or not you are refusing to produce the records directed to be produced under the subpoena.

My question to you was not answered by that statement, in my judgment. My question was whether or not you are refusing to produce the records which you were directed to produce under this subpoena.

I have asked you to produce the records. Now, will you produce them?

What type of work do you engage in?

How were you employed in 1942?

How were you employed between 1945 and 1950?

Are you acquainted with a person by the name of Richard F. O'Hair?

Were you at any time a member of the Midtown Club of the Communist Party?

Were you at any time a member of the Ford unit, or any unit within Ford, that is, any unit of the Communist Party?

Did you hear him [Walter Scott Dunn] testify in regard to you in any particular?

Are you a member of the Civil Rights Congress?

Do you know whether he [William Patterson] is an official of the Civil Rights Congress?

What position does Mr. William Patterson hold in the Civil Rights Congress, if you know?

Are you acquainted with Mary Bray?

Were you acquainted with Jack Raskin?

To your knowledge, did he [Jack Raskin] ever hold a position with the Civil Rights Congress?

Are you now a member of the Communist Party?

which questions were pertinent to the subject under inquiry and is a violation of the subpoena under which the witness had previously appeared. The willful and deliberate refusal of Arthur McPhaul to produce the said records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, and his refusal to answer the aforesaid questions, deprived your committee of necessary and pertinent testimony and places the said witness in contempt of the House of Representatives of the United States.